Entered on Docket
April 16, 2010
GLORIA L. FRANKLIN, CLERK
U.S BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED.
Signed April 16, 2010

Arthur S. Weissbrodt
U.S. Bankruptcy Judge

LAW OFFICES OF RODNEY M. KLEMAN
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ATTORNEYS FOR DEBTOR(S)

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In Re: ***Garcia, David Lobato***
Garcia, Asucena Berrelleza

Debtor(s).

Chapter 13

CASE NO: ***09-5-8790 ASW***

ORDER VALUING SECONDARY LIEN OF BAC HOME LOANS SERVICING LP/REAL TIME RESOLUTIONS, INC

NO HEARING SET

B.L.R. 9014-1

On March 17, 2010, Debtors filed an amended motion to value the lien of BAC Home Loans Servicing LP/Real Time Resolutions, Inc (account no. 139036268) (hereinafter Lienholder) against the property commonly known as 2567 E. Lake, Watsonville, CA, 95076, APN No. 051-441-09-000 (affects: Parcel One) and 051-441-08-000 (affects: Parcel Two) ("Property"), and more fully described as:

*SEE EXHIBIT A-LEGAL DESCRIPTION

Which lien was recorded in the recorder's office of the County of Santa Cruz, CA on or about June 23, 2006 as document No. 2006-0036732 (hereinafter the Lien).

The Court finds that notice of the amended motion upon Lienholder was proper. Lienholder having failed to file timely opposition to Debtors' amended motion, the Court hereby orders as follows:

(1) For purposes of Debtors' Chapter 13 Plan only, the Lien is valued at zero, BAC Home Loans Servicing, LP/Real Time Resolutions Inc., (account no. 139036268) and any successor or assignee in interest does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322(b)(2) and 1327.

(2) This order shall become part of Debtors' confirmed Chapter 13 Plan.

(3) Upon entry of a discharge in Debtors' Chapter 13 case, the Lien shall be voided for all purposes, and upon application by Debtors, the Court will enter an appropriate form of judgment voiding the Lien.

(4) If Debtors' Chapter 13 case is dismissed or converted to one under another chapter before Debtors obtain a discharge, this order shall cease to be effective and the Lien shall be retained to the extent recognized by applicable nonbankruptcy law, and upon application by the lienholder, the Court will enter an appropriate form of order restoring the Lien.

(5) Except as provided by separate, subsequent order of this Court, the Lien may not be enforced so long as this order remains in effect.

*****END OF ORDER*****

Clerk Service List

The Law Offices Of Rodney M. Kleman
400 Camino El Estero
Monterey, CA 93940

David Lobato Garcia and Asucena Berrelleza Garcia
2567 E. Lake
Watsonville, CA 95076

The Office Of Devin Derham-Burk, Trustee
P.O. Box 50013
San Jose, CA 95150-0013

United States Trustee
280 South First Street, Suite 268
San Jose, CA 95113

BAC Home Loans Servicing, LP
Attention: President or Managing Agent
1757 Tapo Canyon Road
Mail Stop: CA6-913-LB-11
Simi Valley, CA 93603
*Name and Address where notices should be sent

BAC Home Loans Servicing, LP
c/o Real Time Resolutions, Inc.
Attention: Karimah Cullen
1750 Regal Row, Suite 120
P.O. Box 36655
Dallas, TX 75235
*Transferee

BAC Home Loans Servicing, LP
c/o Prober & Raphael, A Law Corporation
Attention: Sarah Breitzman
20750 Ventura Boulevard, Ste 100
Woodland Hills, CA 91364
*Attorneys for Creditor

LEGAL DESCRIPTION

Real property in the City of Watsonville, County of Santa Cruz, State of California, described as follows:

PARCEL ONE:

BEING A PART OF THE RANCHO SALSIPUEDES, AND BEGINNING ON THE NORTHWESTERN SIDE OF THE HECKER HIGHWAY, FORMERLY KNOWN AS THE WATSONVILLE-SAN JOSE ROAD, AND AT A STATION FROM WHICH THE MOST EASTERN CORNER OF LANDS CONVEYED BY PETER PETERSEN, ET AL, TO MANUEL C. RODGERS, BY DEED DATED JULY 2ND, 1924, AND RECORDED IN VOLUME 85, AT PAGE 462, OFFICIAL RECORDS OF SANTA CRUZ COUNTY (OF WHICH THE LANDS HEREIN DESCRIBED ARE A PART) BEARS NORTH 36° 1' EAST 44.90 FEET DISTANT; AND RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 42° 30' WEST 211.40 FEET; THENCE SOUTH 62° 4' WEST 262.00 FEET TO LANDS OF THE MISSION SOCIETY OF THE SALESIAN CONGREGATION; THENCE ALONG THE BOUNDARY OF SAID LAST NAMED LANDS SOUTH 42° 30' EAST 328.80 FEET TO THE AFORESAID HECKER HIGHWAY AND THENCE ALONG THE SAID NORTHWESTERN SIDE OF SAID HIGHWAY NORTH 36° 1' EAST 258.70 FEET TO THE PLACE OF BEGINNING.

PARCEL TWO:

BEING A PART OF THE RANCHO SALSIPUEDES, AND BEGINNING AT THE NORTHWESTERN SIDE OF THE HECKER HIGHWAY, FORMERLY KNOWN AS THE WATSONVILLE-SAN JOSE ROAD AND COMMENCING AT A STATION AT THE MOST EASTERN CORNER OF LANDS CONVEYED BY PETER PETERSEN, ET UX., TO MANUEL C. RODGERS BY DEED DATED JULY 2, 1924, AND RECORDED IN VOLUME 85, AT PAGE 462, OFFICIAL RECORDS OF SANTA CRUZ COUNTY (OF WHICH THE LANDS HEREIN DESCRIBED ARE A PART) THENCE NORTH 42° 30' WEST 191.03 FEET; THENCE SOUTH 62° 4' WEST 45.46 FEET; THENCE SOUTH 42 ° 30' EAST 211.40 FEET TO THE AFORESAID HECKER HIGHWAY AND THENCE ALONG THE SAID NORTHWESTERN SIDE OF SAID HIGHWAY NORTH 36° 1' EAST 44.90 FEET TO THE PLACE OF BEGINNING.

APN: 051-441-09-000 (Affects: Parcel One) and 051-441-08-000 (Affects: Parcel Two)

Exhibit A